

OFFICIAL FILE

ILLINOIS COMMERCE COMMISSION

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NO. 5-01-0860

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

FILED

JAN 31 2005

LOUIS E. COSTA  
CLERK, APPELLATE COURT, 5th DIST.

LOCAL UNION NOS. 15, 51, and 702,  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS,

Petitioners,

v.

THE ILLINOIS COMMERCE COMMISSION  
and BLACKHAWK ENERGY SERVICES,  
L.L.C.,

Respondents.

) Appeal from an Order of  
) the Illinois Commerce Commission.

) No. 01-174

ILLINOIS COMMERCE COMMISSION  
2005 FEB -4 P 4:38  
CHIEF CLERK'S OFFICE

SUMMARY ORDER

Local Union Nos. 15, 51, and 702, International Brotherhood of Electrical Workers (petitioners), appeal from a decision of the Illinois Commerce Commission (Commission) reaffirming a certificate of authority that the Commission had granted to respondent Blackhawk Energy Services, L.L.C. (Blackhawk), to operate as an alternative retail electric supplier under article XVI of the Public Utilities Act (the Electric Service Customer Choice and Rate Relief Law of 1997) (220 ILCS 5/16-101 through 16-130 (West 2000)). Specifically, petitioners challenge the Commission's construction of section 16-115(d)(5) of the Electric Service Customer Choice and Rate Relief Law of 1997 (220 ILCS 5/16-115(d)(5) (West 2000)) (the reciprocity provision). Petitioners contend that the Commission erred in its construction of the reciprocity provision. We agree, and for the reasons that follow, we reverse the Commission's decision and remand for further proceedings.

The issue in the present case is clearly controlled by this court's recently published opinion in *Local Union Nos. 15, 51, & 702 v. Illinois Commerce Comm'n*, 331 Ill. App. 3d 607 (2002). This court reversed the Commission's construction of section 16-115(d)(5), finding "that the statute must be construed such that before the Commission grants a certificate of service authority, it must find that the applicant complies with each condition set forth in section 16-115(d)(5)" and that "the Commission did not engage in this full analysis." *Local Union Nos. 15, 51, & 702*, 331 Ill. App. 3d at 617-18. This court reversed the Commission's decision and remanded the cause to the Commission to reconsider the application in light of our ruling and to address any other issues that may arise. *Local Union Nos. 15, 51, & 702*, 331 Ill. App. 3d at 618.

Similarly, in the present case, the Commission did not "engage in this full analysis" as set forth more fully in *Local Union Nos. 15, 51, & 702*, 331 Ill. App. 3d at 615-18. Therefore, in accordance with Supreme Court Rule 23(c)(2) (166 Ill. 2d R. 23 (c)(2)), we reverse the Commission's decision and remand the cause to the Commission to reconsider the application in light of this court's decision in *Local Union Nos. 15, 51, & 702*, 331 Ill. App. 3d 607, and to address any other issues that may arise.

Reversed; cause remanded.

HOPKINS, P.J., with MAAG and KUEHN, JJ., concurring.